

HUMAN SERVICES DEPARTMENT[441]

Notice of Intended Action

Proposing rule making related to state supplementary assistance and providing an opportunity for public comment

The Human Services Department hereby proposes to amend Chapter 51, “Eligibility,” and Chapter 52, “Payment,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code section 249A.4; 20 CFR §§416.2095 and 416.2096; and 2017 Iowa Acts, House File 653, sections 53 and 70.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code section 249A.4; 20 CFR §§416.2095 and 416.2096; and 2017 Iowa Acts, House File 653, sections 53 and 70.

Purpose and Summary

These proposed amendments strike the specific assistance standard amounts for State Supplementary Assistance and amend the assistance standards definition to include the legal citation to pass along cost-of-living adjustments (COLAs) in accordance with 20 CFR §§416.2095 and 416.2096. COLA changes are effective January 1 each year.

Fiscal Impact

The residential care facility (RCF) and family-life home personal needs allowances are increasing by \$4 per month from \$99 to \$103 per month. The base personal needs allowance (PNA) is increased due to the 2.8 percent COLA this year along with an increase in the average monthly Medicaid copayment per client per month for RCF recipients. (The average Medicaid copayment per client per month is added to the base PNA to determine the final monthly PNA.) The average copayment per client per month for RCF recipients for August 2017 through July 2018 was \$1.71. This is an increase of \$0.81 from last year’s average of \$0.90. For family-life home recipients, the \$17 increase in the payment to the family-life home is offset by the \$4 increase in the personal needs deduction and a \$21 increase in the supplemental security income (SSI) payment. The recipient will pay up to \$17 more due to the \$21 increase in income and a \$4 increase in the personal needs allowance. For RCF assistance recipients, the maximum total payment to the facility will increase up to \$20.77 per month per recipient $[(\$31.27 - \$30.60) \times 31 \text{ days}]$. RCF costs are shared by the state and the RCF recipient. Any potential increased costs to the state are expected to be more than offset by declining RCF caseloads in SFY 2019 and SFY 2020. For recipients of dependent-person assistance, the maximum monthly payment is increasing by \$11, from \$387 to \$398. Each dependent-person assistance recipient will receive up to an \$11 increase, resulting in an anticipated increase in state expenditures. However, this increase will be offset by the declining number of anticipated recipients, and most recipients do not qualify for the maximum payment.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to rule 441—1.8(17A,217).

Public Comment

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Department no later than 4:30 p.m. on January 22, 2019. Comments should be directed to:

Harry Rossander
Bureau of Policy Coordination
Department of Human Services
Hoover State Office Building, Fifth Floor
1305 East Walnut Street
Des Moines, Iowa 50319-0114
Email: policyanalysis@dhs.state.ia.us

Public Hearing

No public hearing is scheduled at this time. As provided in Iowa Code section 17A.4(1)“b,” an oral presentation regarding this rule making may be demanded by 25 interested persons, a governmental subdivision, the Administrative Rules Review Committee, an agency, or an association having 25 or more members.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee’s meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Emergency Rule Making Adopted by Reference

This proposed rule making is also published herein as an Adopted and Filed Emergency rule making (see **ARC 4220C**, IAB 1/2/19). The purpose of this Notice of Intended Action is to solicit public comment on that emergency rule making, whose subject matter is hereby adopted by reference.